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6 THE PICAYUNE RANCHERIA OF THE
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7 ECONOMIC DEVELOPMENT AUTHORITY, and
CHUKCHANSI INDIAN HOUSING AUTHORITY
8 (Reid Faction)

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11
12 JOHN P. ANDERSON, in his official capacity as
the Sheriff of Madera County, and individually,

13 Plaintiff(s),

14 v.

15
16 JACK DURAN, JR., et al.,

17 Defendants.

Case No. 3:13-CV-04825-RS

**JOINT STATUS REPORT
PROVIDING COURT AN
UPDATE ON ALL MATTERS BY
REID FACTION, LEWIS
FACTION, JACK DURAN, JR.,
AND DONNA HOWARD**

Date: March 7, 2014
Time: 10:00 a.m.
Ctvm: 3
Judge: Hon. Richard Seeborg

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20 The Reid Faction, the Lewis Faction, and individual-named Defendants Jack Duran, Jr. and
21 Donna Howard hereby submit this Joint Status Report Providing Court an Update on All Matters. It
22 is our understanding that Plaintiff John P. Anderson and the Ayala Faction will file a separate
23 statement.

24 On December 9, 2013, the Honorable Richard Seeborg, United States District Court Judge
25 presiding, ordered, among other things, that the parties prepare and file, on or before January 10,
26 2014, a status report providing the Court an update on all matters and specifically whether or not the
27 Court needs to be prepared to make further rulings on March 7, 2014.

1 The Parties, through their counsel, attempted to agree on a joint status report from all parties
 2 updating the Court on all matters. Counsel for the Parties discussed at length, over the telephone and
 3 email, the possibility of settlement and what should be included in an update to the Court. However,
 4 as of January 10, 2014, the Parties could not agree on the information that should be contained in the
 5 joint status report.

6 Specifically, the Lewis and Reid Factions believed that the statement should update the Court
 7 on the December 7, 2013 election and subsequent request for recognition by the Bureau of Indian
 8 Affairs ("BIA"), of which the Court and parties were informed prior to and at the November 22, 2013
 9 hearing. Both Plaintiff and the Ayala Faction, however, objected to including any update regarding
 10 the Lewis and Reid Faction's election or subsequent request to the BIA, instead preferring to limit the
 11 status report to the issue of whether a settlement has been reached.

12 A decision by the BIA recognizing a Tribal governing body could substantially affect the
 13 instant case, including but not limited to who the proper parties to the case are and this Court's
 14 jurisdiction over the matter. For this reason, the Lewis and Reid Factions intend to file a Motion to
 15 Stay the instant action until the BIA recognizes a Tribal governing body. Accordingly, it is the Lewis
 16 and Reid Faction's opinion that the Court need not hold a hearing on March 7, 2014 and therefore
 17 that the following information is properly included in this update to the Court.

18 Individually-named Defendants Jack Duran, Jr. and Donna Howard believe the additional
 19 information contained herein is relevant to the instant action, and therefore have joined in this Joint
 20 Status Report. Duran and Howard also intend to join the status report by Plaintiff Anderson and the
 21 Ayala Faction.

22 For the reasons stated above, the Lewis Faction, the Reid Faction, Jack Duran, Jr., and Donna
 23 Howard hereby submit this Joint Status Report Providing Court an Update on All Matters separately
 24 from Plaintiff Anderson and the Ayala Faction.

25 THE REID FACTION, THE LEWIS FACTION, JACK DURAN, JR., AND DONNA
 26 HOWARD, THROUGH THEIR COUNSEL, HEREBY ADVISE THIS COURT AS FOLLOWS:

- 27 1. No settlement has been reached as of this filing.

1 2. The Parties, through counsel, continue to discuss this matter.

2 3. All Defendants are aware that under the Court's December 9, 2013 order, responsive
3 pleadings, including any motions to dismiss, must be filed on or before January 21, 2014, complying
4 with all Federal and Court rules regarding same, with the hearing date for all such motions to dismiss
5 or any other motions filed scheduled to be heard on March 7, 2014, at 10:00 a.m. in Courtroom 3.

6 4. Absent notice to the contrary, the Court should assume that the case will not settle
7 prior to hearing on March 7, 2014.

8 5. Prior to the November 22, 2013 hearing, the Reid and Lewis Factions informed the
9 Court and the Parties that the two factions had reached an agreement, whereby the two factions would
10 conduct a Tribal election on December 7, 2013, pursuant to the requirement by Tribal law to conduct
11 an annual election on the first Saturday of December. The Reid and Lewis Factions ensured that the
12 Ayala Faction and its supporters had a full opportunity to participate in the election, but the Ayala
13 Faction chose not to participate.

14 6. The Lewis and Reid Factions further report that, on December 7, 2013, the Reid and
15 Lewis Factions conducted the Tribal election for the four open Tribal Council seats. Reggie Lewis
16 and Chance Alberta – from the Lewis Faction – and Morris Reid and Dixie Jackson – from the Reid
17 Faction – were elected in that election to the four open Tribal Council seats. Reggie Lewis, Chance
18 Alberta, Morris Reid, and Dixie Jackson were sworn in and installed onto the Tribal Council on
19 December 23, 2013, pursuant to the Tribe's Election Ordinance.


20 7. For this reason, the Lewis Faction and the Reid Faction will jointly defend their
21 position in this action as the Lewis/Reid Faction, which consists of Reggie Lewis, Chairman; Carl
22 "Buzz" Bushman, Vice Chairman; Chance Alberta, Treasurer; Melvin Espe, Secretary; Morris Reid,
23 Member-at-large; Dixie Jackson, Member-at-large; and David Castillo, Member-at-large.

24 8. The Lewis/Reid Faction submitted the results of the December 7, 2013 Tribal election
25 they conducted to the Bureau of Indian Affairs ("BIA") and requested that the BIA recognize the
26 election and the Lewis/Reid Faction as the Tribe's governing body. The BIA has not taken any
27 action at this time.

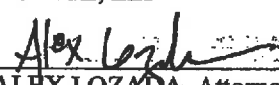
28 9. Given the pending request before the BIA and the effect that a BIA decision would

1 likely have on these proceedings, the Lewis/Reid Faction intends to file a Motion to Stay the instant
2 action until the BIA recognizes a Tribal governing body.

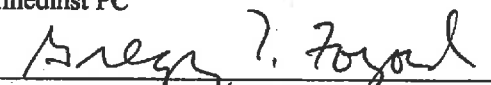
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4 Dated this 10th day of January, 2014 FREDERICKS PEEBLES & MORGAN LLP

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6 
7 JAMES QAUNDAH, Attorneys Specially Appearing
8 for Defendants: The Picayune Rancheria of the Chukchansi
Indians; Chukchansi Economic Development Authority;
Chukchansi Indian Housing Authority

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10 Dated this 10 day of January, 2014 ROSETTE, LLP

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12 ALEX LOZADA, Attorneys Specially Appearing
13 for Defendants: Reggie Lewis; Chance Alberta; Carl
14 Bushman; Irene Waltz; Lynn Chenot; David Castillo;
15 Melvin Espe; The Picayune Rancheria of the Chukchansi
Indians; Chukchansi Economic Development Authority;
Chukchansi Indian Housing Authority

16 Dated this 10th day of January, 2014 Klinedinst PC

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18 GREGORY T. FAYARD, Attorneys Specially Appearing
19 for Defendants: Jack Duran, Jr. and Donna Howard
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JOINT STATUS REPORT BY REID FACTION, LEWIS FACTION,
JACK DURAN, JR., AND DONNA HOWARD

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